

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of C.S.W. and D.F., Minors.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

JENNIFER WYLIE,

Respondent-Appellant,

and

FRANKLIN FYE,

Respondent.

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UNPUBLISHED  
February 11, 2003

No. 241901  
St. Clair Circuit Court  
Family Division  
LC No. 00-000284-NA

Before: Murphy, P.J., and Cavanagh and Neff, JJ.

PER CURIAM.

Respondent Jennifer Wylie appeals as of right from a circuit court order terminating her parental rights to the minor children pursuant to MCL 712A.19b(3)(c)(i) and (ii). We affirm.

The trial court may order termination of parental rights upon finding that at least one statutory ground for termination has been proven by clear and convincing evidence. MCL 712A.19b(3); *In re IEM*, 233 Mich App 438, 450; 592 NW2d 751 (1999). The trial court's findings are reviewed for clear error. MCR 5.974(I); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). A finding of fact is clearly erroneous if, although there is evidence to support it, the reviewing court is left with a definite and firm conviction that a mistake has been made. *In re Vasquez*, 199 Mich App 44, 51-52; 501 NW2d 231 (1993). Under this standard, the trial court's decision "must strike [the reviewing court] as more than just maybe or probably wrong." *Trejo*, *supra* at 356, quoting *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999).

These cases are particularly fact specific and the facts here do not include the all-too-common scenario of physical and/or sexual abuse of the children. Nor is there evidence of serious neglect. However, after careful review of the record we are not left with a definite and

firm conviction that a mistake has been made; we do not believe that the trial court was wrong in concluding that there was clear and convincing evidence to support termination of parental rights on at least one statutory ground.

The older child entered foster care because her personal hygiene was being neglected, possibly due to parental substance abuse, because the home was unfit, and because a sibling's death was being investigated by the police, although it was eventually determined not to be a criminal matter. The younger child came into care because her sister had been adjudicated a court ward due to physical neglect and drunkenness of the parents, who had yet to comply with the reunification plan. The evidence at the hearing showed that respondent's home was still unfit near the time the termination petition was filed and that throughout the two years this family had been under the jurisdiction of the court the housing situation never stabilized. As noted by the trial court, the same housing problems which led, in part, to removal of the children continued to exist at the time of the hearing. The court also pointed to the respondent's failure to maintain a consistent source of income and to her lack of credibility.

This is not meant to imply that respondent made no progress during the two years her children were under the jurisdiction of the court. The evidence showed that respondent had completed parenting classes and counseling. Although she did not complete all of her drug screens, the ones she did provide were negative and the trial court found that there was no evidence that she had a drug problem. However, her lack of progress in the key areas of housing and employment were significant stumbling blocks to reunification such that we find no error in the trial court's decision to terminate parental rights. See *Trejo, supra* at 359.

On this record, we are not left with a firm conviction that the trial court erred in terminating respondent's parental rights under § 19b(3)(c)(i). The conditions that led to the adjudication, particularly with regard to housing, continued to exist and petitioner showed by clear and convincing evidence that the housing situation was unlikely to be rectified within a reasonable time given the ages of the children. Respondent clearly had a problem with stable housing that continued to exist as of the time the petition was filed.

Affirmed.

/s/ William B. Murphy

/s/ Mark J. Cavanagh

/s/ Janet T. Neff